

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18 CV 349**

WILLIE A. GREEN, SR. and)
5-STAR ATHLETE, INC.,)
)
Plaintiffs,)
)
v.)
)
CITY OF SHELBY, and RICK)
HOWELL (INDIVIDUALLY),)
)
Defendants.)
_____)

ORDER

This matter is before the Court on Defendants’ Motion for Leave to Extend Page Limit (Doc. 26) and Defendants’ Amended Motion for Leave to Extend Page Limit (Doc. 27). In addition to seeking permission to exceed the page limitation for a brief supporting their forthcoming Motion to Dismiss, Defendants request, in the alternative, that their deadline for responding to Plaintiffs’ Amended Complaint (Doc. 20) be extended for seven (7) days to provide Defendants time “to attempt to file a 25-page memorandum of law. . . .”

This matter was filed originally in state court in November of 2018. (Doc. 1). Plaintiffs filed their Amended Complaint (Doc. 20) on March 11, 2019 and, shortly thereafter, Defendants were granted an extension of time to April 10, 2019 to respond (Docs. 21, 22). That is, Defendants have known since March 15 that their deadline for responding to the Amended Complaint was April 10, and the page limits within which

they must work.¹ It is not clear why Defendants have not been able to respond to the Amended Complaint by April 10, or why they need to exceed the usual page limit to do so.

Defendants' request for leave to exceed the page limit for briefs will, consequently, be denied.

As for Defendants' alternative request, the Court will allow an additional two (2) days. Defendants are advised, however, that further extensions will not be entertained absent emergent circumstances.

Accordingly, Defendants' Motion for Leave to Extend Page Limit (Doc. 26) and Defendants' Amended Motion for Leave to Extend Page Limit (Doc. 27) are **DENIED IN PART** and **GRANTED IN PART** as follows:

1. Defendants' principal brief shall not exceed the 25-page limitation set by LCvR 7.1; and,
2. The deadline by which Defendants must respond to the Amended Complaint is extended to **April 12, 2019**.

Signed: April 10, 2019



W. Carleton Metcalf
United States Magistrate Judge



¹ The page limitation, it should be remembered, is just that--a limitation; there is no requirement that briefs, even on dispositive motions, actually be that long.